

# Officer History

Officer Name: FINI, GIOVANNI

Tax ID: 946988

Sex: M

Shield: 17137

Race: White

Rank: PO

Command: 298

Birth Year: [REDACTED]

Appt Date: 07/08/2008

Age: [REDACTED]

Tenure: 13

CCRB #	CMD	Incident Date	Reported Date	Allegation	Allegation Disposition	Board Discipline Recommendation*	NYPD Allegation Disposition	NYPD MOS Penalty
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
201015602	165	11/13/2010	11/15/2010	Abuse - Frisk	Unsubstantiated			
				Force - Physical force	Unsubstantiated			
				Discourtesy - Word	Unsubstantiated			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
201909827	075	11/06/2019	11/12/2019	Abuse - Property damaged	Substantiated (Command Discipline A)	Substantiated (Command Discipline B)	No Disciplinary Action-DUP	No penalty
				Abuse - Entry of Premises	Substantiated (Formalized Training)	Substantiated (Command Discipline B)	No Disciplinary Action-DUP	No penalty
				Abuse - Failure to provide RTKA card	Substantiated (Command Discipline A)	Substantiated (Command Discipline B)	No Disciplinary Action-DUP	No penalty

\*Board Discipline Recommendations were not issued for complaints closed prior to the CCRB's adoption of the NYPD's Disciplinary Matrix on 03/15/2021. With the adoption of the NYPD Disciplinary Matrix, CCRB now issues a Board Discipline Recommendation for officers that is separate and apart from the disposition of the allegations substantiated against the officer.

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201909827	075	11/06/2019	11/12/2019	Abuse - Search of Premises	Substantiated (Formalized Training)	Substantiated (Command Discipline B)	No Disciplinary Action-DUP	No penalty
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>Total Charges = 29</b>					<b>Total Cases = 14</b>			

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## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 201909827	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday 11/06/2019 3:31 AM	18 Mo. SOL 05-06-2021	EO SOL 12-21-2021	Location of Incident: Inside of [REDACTED] New Jersey Avenue		Precinct: 75
Date/Time CV Reported Wed, 11/06/2019 7:04 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/12/2019 12:56 PM		

Complainant/Victim	Type	Home Address
1. A [REDACTED] T [REDACTED]	Comp/Victim	[REDACTED]
2. S [REDACTED] C [REDACTED]	Victim	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Giovanni Fini	17137	946988	075 PCT
2. POM M [REDACTED] K [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM A [REDACTED] R [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
2. SGT W [REDACTED] L [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
A . POM Giovanni Fini	Abuse of Authority: Police Officer Giovanni Fini entered [REDACTED] New Jersey Avenue, 1st Floor, in Brooklyn.	A . Substantiated
B . POM M [REDACTED] K [REDACTED]	Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] entered [REDACTED] New Jersey Avenue, 1st Floor, in Brooklyn.	B . Substantiated
C . POM Giovanni Fini	Abuse of Authority: Police Officer Giovanni Fini searched [REDACTED] New Jersey Avenue, 1st Floor, in Brooklyn.	C . Substantiated
D . POM M [REDACTED] K [REDACTED]	Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] searched [REDACTED] New Jersey Avenue, 1st Floor, in Brooklyn.	D . Substantiated
E . POM Giovanni Fini	Abuse of Authority: Police Officer Giovanni Fini damaged A [REDACTED] T [REDACTED] property.	E . Substantiated
F . POM Giovanni Fini	Abuse of Authority: Police Officer Giovanni Fini failed to provide S [REDACTED] C [REDACTED] with a business card.	F . Substantiated
G . POM M [REDACTED] K [REDACTED]	Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] failed to provide A [REDACTED] T [REDACTED] with a business card.	G . Substantiated

### Case Summary

On November 6, 2019, A [REDACTED] T [REDACTED] filed this complaint with IAB via telephone. The complaint was received at the CCRB on November 12, 2019.

On November 6, 2019, at approximately 3:31 a.m., Police Officers Giovanni Fini, M [REDACTED] K [REDACTED] and A [REDACTED] Robitaille, all of the 75<sup>th</sup> Precinct, responded to a 911 call from an unidentified female regarding an assault in the vicinity of New Jersey Avenue and Hegeman Avenue in Brooklyn. PO Fini and PO K [REDACTED] entered the first-floor apartment of [REDACTED] New Jersey Avenue in Brooklyn and searched it for the perpetrator of the assault (**Allegations A-D: Abuse of Authority, substantiated**). PO Fini knocked on the door to the second-floor apartment, where Mr. T [REDACTED] resided, with his baton, causing paint chips to fall off the door (**Allegation E: Abuse of Authority, substantiated**). PO Fini and PO K [REDACTED] failed to provide S [REDACTED] C [REDACTED] the occupant of the first-floor apartment, with a business card after exiting her apartment (**Allegations F and G: Abuse of Authority, substantiated**).

No arrests or summonses resulted from this incident.

Body-worn camera footage was obtained and will be discussed in further detail below.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Giovanni Fini entered [REDACTED] New Jersey Avenue, 1<sup>st</sup> Floor, in Brooklyn.**

**Allegation (B) Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] entered [REDACTED] New Jersey Avenue, 1<sup>st</sup> Floor, in Brooklyn.**

**Allegation (C) Abuse of Authority: Police Officer Giovanni Fini searched [REDACTED] New Jersey Avenue, 1<sup>st</sup> Floor, in Brooklyn.**

**Allegation (D) Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] searched [REDACTED] New Jersey Avenue, 1<sup>st</sup> Floor, in Brooklyn.**

**Allegation (F) Abuse of Authority: Police Officer Giovanni Fini failed to provide S [REDACTED] C [REDACTED] with a business card.**

**Allegation (G) Abuse of Authority: Police Officer M [REDACTED] K [REDACTED] failed to provide S [REDACTED] C [REDACTED] with a business card.**

The investigation established the following facts:

On November 6, 2019, at approximately 3:31 a.m., an unidentified pregnant female called 911 in the vicinity of New Jersey Avenue and Hegeman Avenue in Brooklyn to report she had been assaulted two hours prior and was experiencing pain. PO Fini, PO K [REDACTED] and PO R [REDACTED] who was still in field training, responded to the 911 call, briefly spoke with the female, and proceeded to approach [REDACTED] New Jersey Avenue. The layout of [REDACTED] New Jersey Avenue is as follows: the building is a two-family residence with a communal hallway. Upon entering the building, the communal hallway contains two separate apartment doors, which lead to an apartment on the first floor and an apartment on the second floor. PO Fini and PO K [REDACTED] spoke to S [REDACTED] C [REDACTED] who resided in the first-floor apartment, at the external building door of [REDACTED] New Jersey Avenue and asked her to come inside her apartment to look for the individual who assaulted the pregnant female. Ms. C [REDACTED] offered implied consent for the officers to enter by holding open her apartment door and the officers then entered Ms. C [REDACTED] apartment. Upon their entry, PO Fini and PO K [REDACTED] opened closet and bedroom doors within Ms. C [REDACTED] apartment, but did not locate the perpetrator of the assault. PO Fini then began knocking on the door which led to the second-floor apartment, where Mr. T [REDACTED] lived, with a baton. After several minutes, Mr. T [REDACTED] came downstairs to the communal hallway and complained about the officers entering his home and damaging his apartment door.

Mr. T [REDACTED] testified (BR 01) that at approximately 4 a.m., he was in his apartment sleeping when he awoke to a banging noise. Mr. T [REDACTED] thought someone was messing with his car and thus went to the window. Mr. T [REDACTED] saw PO Fini, PO K [REDACTED] and PO R [REDACTED] outside his home. When Mr. T [REDACTED] opened the window, the officers asked him to come

downstairs. Approximately four to five minutes later, Mr. T [REDACTED] went downstairs, and saw the front door to the residence was open and at least one officer was inside. PO Fini, who was standing on the stairs outside the residence, informed Mr. T [REDACTED] that a woman was assaulted and that the officers saw the assailant enter Mr. T [REDACTED] house. After the officers left, Mr. T [REDACTED] called his landlord, Debra Morgan, who said that she also received a call from Ms. C [REDACTED] who reported that she let officers enter her first-floor apartment because the officers said someone ran into the house. Neither Ms. Morgan nor Mr. T [REDACTED] were present at the time the officers entered Ms. C [REDACTED] apartment.

The investigation established contact with Ms. C [REDACTED] but she refused to provide information regarding the incident other than stating that the officers asked her questions.

PO K [REDACTED] body-worn camera (BR 02-03) begins with PO Fini speaking with the unidentified pregnant female in the back of the ambulance. PO K [REDACTED] then approaches the residence, opens a gate, and walks up the steps to the front door of the residence, where Ms. C [REDACTED] is standing. PO K [REDACTED] tells Ms. C [REDACTED] that the female had an argument with the “boys” who live at the residence. Ms. C [REDACTED] explains that she lives with her boyfriend and her son, Jimmy. PO K [REDACTED] says, “Can we speak with Jimmy?” Ms. C [REDACTED] tells PO K [REDACTED] that Jimmy is asleep. PO K [REDACTED] tells Ms. C [REDACTED] “Two people walked into this house [...] We watched them.” Ms. C [REDACTED] retorts, “Not in my house.” PO K [REDACTED] responds, “Oh, yes. We were standing right here. Right on the sidewalk” (<<01:06 – 03:26>>). PO Fini, who is not visible, asks Ms. C [REDACTED] for her son’s name and says, “You mind if we just see him and talk to him real quick?” Ms. C [REDACTED] says, “He’s asleep now.” PO K [REDACTED] then follows Ms. C [REDACTED] through the common hallway of the residence. Ms. C [REDACTED] holds her apartment door open for the officers, who proceed to follow her into her apartment (<<03:34 – 04:18>>). PO K [REDACTED] enters a bedroom in the apartment and shines his flashlight, as well as briefly pushes open a second door (<<04:18 – 05:14>>). After being in Ms. C [REDACTED] apartment for approximately three minutes, PO K [REDACTED], PO Fini, and PO R [REDACTED] exit into the common hallway, without providing Ms. C [REDACTED] with a business card (<<07:26>>).

PO Fini’s body-worn camera footage (BR 04, 03) begins with him speaking with the unidentified pregnant female in the back of the ambulance. The female provides PO Fini with the details of the assault, which occurred in the Bronx, and provides her assailant’s name as “Juwann” (exact spelling not provided) (<<00:36 – 02:26>>). PO Fini’s body-worn camera footage is similar to that of PO Kaminsky’s, in that it shows the officers follow Ms. C [REDACTED] into her first-floor apartment. PO Fini opens a door inside Ms. C [REDACTED] apartment, as Ms. C [REDACTED] says, “Ain’t nobody in there.” PO Fini responds, “Ma’am, I just gotta check” (<<04:06 – 04:46>>). After being in the apartment for approximately two and a half minutes, PO Fini exits Ms. C [REDACTED] apartment without providing her with a business card (<<06:26>>).

PO K [REDACTED] (BR 05), who had a limited recollection of this incident, testified that upon his arrival, the female informed the officers that the perpetrator of the assault was inside of [REDACTED] New Jersey Avenue. PO K [REDACTED] went to the side of the residence to ensure that no one jumped out a window. PO K [REDACTED] had no recollection of ever entering the residence or speaking with any of its occupants. PO K [REDACTED] reviewed his body-worn camera footage, but he still had no independent recollection of observing two people enter the residence, why he entered the residence, or providing a business card.

PO Fini (BR 06) testified that the female 911 caller informed him that her boyfriend assaulted her and was either inside the residence or had ran to the side of the residence. Because an assault occurred and PO Fini wanted to ensure everyone inside the residence was okay and get the boyfriend’s “side of the story,” PO Fini began knocking on the front door of the residence with his baton. Per PO Fini’s recollection, Mr. T [REDACTED] opened the front door of the residence, and when he did so, PO Fini stepped inside the residence into the communal hallway. PO Fini did not remember entering any rooms or leaving the hallway area. After reviewing his body-worn camera footage, PO Fini stated he entered Ms. C [REDACTED] apartment to locate the female’s boyfriend, but had no



independent recollection of doing so. PO Fini did not provide a business card because at the time, the Police Department was changing business cards to only include officers' last names, and the Department had instructed officers not to give out business cards with officers' first and last names, which were the cards PO Fini had in his possession.

PO R [REDACTED] (BR 07) had only been out of the Academy for approximately four months and was still in field training with PO Fini as his Field Training Officer at the time of this incident and thus was not pled as a subject officer of the aforementioned allegations. PO R [REDACTED] had a limited recollection of this incident, and only remembered PO Fini entering the communal area of the residence. Upon reviewing his body-worn camera footage, PO R [REDACTED] said that PO Fini and PO K [REDACTED] entered the first-floor apartment because they were looking for someone and wanted to speak with them. PO R [REDACTED] did not recall if PO Fini or PO K [REDACTED] gave Ms. C [REDACTED] a business card.

Consent to enter a home may be established by conduct as well as words. A gesture of opening the door, leaving it open, and walking away from it can be interpreted by police to consist of tacit approval for them to enter. People v. Brown 234 A.D.2d 211 (1996) (BR 08).

During consent searches, officers must articulate, using plain and simple language delivered in a non-threatening manner, that the person who is the subject of a home search is being asked to voluntarily, knowingly, and intelligently consent to such search, and explaining that such search will not be conducted if such person refuses to provide consent to such search. Officers further are to create a video record of the information communicated, as well as document the time, location, and date of such search, and the apparent race/ethnicity, gender, and age of the person who was subject to the search. New York City Administrative Code 14-173 (BR 09).

Officers must provide a business card after a home search that does not result in an arrest or summons. Officers shall provide a hand-written card when such officer does not have an adequate number of pre-printed business cards on his person. New York City Administrative Code 14-174 (BR 10).

Although body-worn camera footage shows Ms. C [REDACTED] speak with the officers at the front door of the residence, walk back toward her apartment door, hold her apartment door open for the officers, and continue to walk into her apartment with PO K [REDACTED] PO Fini, and PO R [REDACTED] following her, all of which could constitute implied consent, because PO K [REDACTED] and PO Fini did not properly articulate or document the voluntariness of the search as per the New York City Administrative Code, PO K [REDACTED] and PO Fini were not justified in entering and searching Ms. C [REDACTED] apartment. It is therefore recommended that **Allegations A - D** be closed as **substantiated**.

Further, as the New York City Administrative Code requires officers to provide business cards at the conclusion of home searches that do not result in an arrest or summons, PO K [REDACTED] and PO Fini should have provided Ms. C [REDACTED] with a business card. Even crediting PO Fini's statement that the Department was in the process of changing its business cards, PO Fini still would have been required to provide his information to Ms. C [REDACTED] via a hand-written card. It is therefore recommended that **Allegations F and G** be closed as **substantiated**.

**Allegation (E) Abuse of Authority: Police Officer Giovanni Fini damaged A [REDACTED] I [REDACTED] property.**

Mr. T [REDACTED] testified that after he spoke with the officers downstairs about why they were there, he informed the officers that he was going to go upstairs to check his video surveillance system. As he turned to go upstairs, Mr. T [REDACTED] saw a two-inch by four-inch dent in the door that leads to his apartment and paint chips on the floor, neither of which had previously been there. Sergeant W [REDACTED] I [REDACTED] of the 75<sup>th</sup> Precinct, who had arrived after the officers entered and searched Ms. C [REDACTED] apartment, told Mr. T [REDACTED] that he did not know if the officers damaged his door, but that he would generate a report in regard.

The IAB Log generated for Mr. T [REDACTED] complaint included a photograph of his

apartment door, which shows discoloration to the door, as well as an area approximately 18 inches above the doorknob, where there appears to be no paint (BR 11). The photograph does not clearly depict a dent in the door. The IAB Log also included a photograph of paint chips at the base of the door (BR 12).

PO Fini testified that he knocked on the front door of [REDACTED] New Jersey Avenue with his baton so that the occupants would know someone was at the door. The door had an existing dent and chipped paint before PO Fini began knocking on the door. After knocking on the door, PO Fini later noticed additional paint chips which had fallen off the door. PO Fini reviewed the photographs included in the IAB Log, but did not think he was “banging that high,” regarding the area where there is no paint.

PO K [REDACTED] and PO R [REDACTED] testified that they did not see any damage to Mr. T [REDACTED] door.

PO Fini’s body-worn camera footage shows PO Fini knock at Mr. T [REDACTED] apartment door, located in the communal hallway inside the residence, not the main exterior door to the residence. PO Fini bangs on Mr. T [REDACTED] apartment door, with what sounds like a heavy object, intermittently, for approximately five and a half minutes (<<06:49 – 12:24>>). At the 07:23 timestamp on the player, Mr. T [REDACTED] apartment door is visible, and it does not show an area of the door above the doorknob which is missing paint. At the 09:57 timestamp on the player, Mr. T [REDACTED] apartment door is visible, illuminated by a flashlight, and there appears to be an area above the doorknob which no longer has white paint on it, and instead is a grayish color. At the 10:27 timestamp on the player, the gray mark on the door, above the doorknob, is visible again.

The City Involved Accident Report, which Sgt. L [REDACTED] prepared, notes that there was minor damage to Mr. T [REDACTED] door, including paint chipping, but that this damage was pre-existing (BR 13).

Officers are permitted to damage property only if doing so is reasonably necessary to effectuate the officers’ duties. *Onderdonk v. State* 170 Misc. 2d 155 (1996) (BR 14).

The investigation discredits PO Fini’s testimony that Mr. T [REDACTED] apartment door was already damaged. Although the door was in somewhat poor condition, PO Fini’s body-worn camera footage shows that the area approximately 18 inches above the doorknob progressively loses more and more paint as PO Fini continues to bang on the door with his baton. The investigation further determined that PO Fini using a baton to intermittently bang on the door, as opposed to simply knocking on it, for approximately five and a half minutes was gratuitous and negligent. As PO Fini was not justified in damaging Mr. T [REDACTED] apartment door during the course of his duties, it is recommended that **Allegation E** be closed as **substantiated**.

#### **Civilian and Officer CCRB Histories**

- Mr. T [REDACTED] has been party to one CCRB complaint and has been named a victim in four allegations (BR 15):
  - 201910433 involved allegations of entry of premises and failure to provide RTKA card. To date, this investigation is still open.
- This is the first CCRB complaint to which Ms. C [REDACTED] has been a party (BR 16).
- PO Fini has been a member of service for 12 years and has been a subject in 13 cases and 25 allegations, none of which were substantiated. PO Fini’s CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO K [REDACTED] has been a member of service for 13 years and has been a subject in nine cases and 18 allegations, of which one was substantiated.
  - 201106834 involved a substantiated allegation of a retaliatory summons. The Board recommended command discipline and the NYPD did not impose discipline. PO K [REDACTED] CCRB history does not reflect any apparent pattern pertinent to this investigation.

**Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- As of March 4, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (BR 17).
- According to the Office of Court Administration (OCA), Mr. T [REDACTED] has no history of convictions in New York City (BR 18).
- As Ms. C [REDACTED] was uncooperative with the investigation, the investigation could not determine whether Ms. C [REDACTED] had any history of convictions in New York City in OCA, as results were received for individuals named "S [REDACTED] C [REDACTED] with varying dates of birth (BR 19).

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Squad: 14

Investigator: Casey McCann Inv. Casey McCann 07/23/2021  
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 07/26/2021  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date